

PAYMENT OF STATUTORY PENALTY - R. 4:70-4(a)

1. Where the statutory penalty does not exceed \$50 for each offense, including where the minimum statutory penalty does not exceed \$50 for each offense, the defendant at any time before the hearing date, upon presentation of the signed plea of guilty and waiver of trial endorsed on the summons, may pay the penalty and in addition court costs of \$15 in the Violations Bureau subject to the limitations prescribed in R. 7:7, including the limitation when the summons is marked to indicate that a court appearance is required.
2. Where the statute provides simply for a MAXIMUM penalty not in excess of \$50, it may be disposed of by payment through the Violations Bureau of one-half of the maximum penalty plus \$15 court costs. For example, if the statute provides for a maximum of \$50, the penalty to be paid through the Violations Bureau is \$40 - \$25 plus \$15 court costs.
3. Where the statute provides for a MINIMUM penalty not in excess of \$50, for example, a penalty of not less than \$35 nor more than \$150, it may be paid through the Violations Bureau by a payment of \$50 - the \$35 minimum plus \$15 court costs.
4. Where the statute provides for a FIXED PENALTY ONLY, not in excess of \$50, for example: a statutory penalty of \$35 for a violation, it may be paid through the Violations Bureau by a payment of \$50 - the \$35 fixed by the statute plus \$15 court costs.

(Note that R. 4:70-4(a) applies to all offenses involving a statutory penalty not just to Fish and Game offenses. These offenses come under the Penalty Enforcement Law, N.J.S.A. 2A:58-1 et seq. and the statute uses the word "penalty" rather than "fine". It includes, for example, such violations as Weights and Measures, N.J.S.A. 51:1-29, Cigarette Tax Act, N.J.S.A. 54:40A-24, FISH AND Game, N.J.S.A. 23:1-2, Conservation and Development, N.J.S.A. 13:9-44.10, Consumer Fraud Act, N.J.S.A. 56:8-14, Motor Fuel Retail Act, N.J.S.A. 56:6-4.1).

ALLOCATION OF PENALTY BETWEEN FINE, COSTS AND \$1 ATS SURCHARGE

The penalty indicated on the Statewide Violations Bureau Schedule for each traffic and parking offense includes the fine, costs, and a \$1 ATS Surcharge. For each such offense, \$15 shall be the amount of the costs, \$1 shall be the ATS Surcharge, and the balance shall be the fine. For the payment of statutory penalties pursuant to R. 4:70-4(a), however, which are addressed on page 12 of this Schedule, please note that the amount to be paid is the statutory penalty plus \$15 court costs. (See the examples set forth below.)

FAILURE TO APPEAR ON RETURN DATES

1. When a supplemental notice is sent, costs will be \$10 additional.
2. When a notice of Proposed Suspension for a parking violation is sent, a \$10 penalty will be added to the penalty due.
3. When an Order to Suspend is issued for a parking violation, \$15 will be added to the penalty.
4. When a warrant is issued, unless the judge otherwise orders, the amount of the bail indicated on the warrant shall be as follows: Parking offenses - The amount of the penalty plus \$15. All other listed offenses - The amount of the penalty plus \$25.

(Note: Under the provisions of N.J.S.A. 39:5-9, costs not to exceed \$25 may be deducted from forfeited bail in traffic cases.)

5. By executing the form of Authorization to Apply Bail Against Fine(s) and Costs and Waiver of Rights, a defendant against whom a warrant has been issued waives the right to a lawyer and a trial, enters a plea of guilty to the offense charged, and authorizes the municipal court administrator to apply the bail posted toward payment of fines and costs owed. This form may be used only for traffic offenses, including parking offenses. Furthermore, it may be used only in those instances in which the offense charged is payable through the Statewide Violations Bureau Schedule or the violations bureau schedule adopted by the municipal court.

COURT APPEARANCE MANDATORY

For any offenses not listed on this schedule (see next section on ORDINANCE VIOLATIONS), a court appearance is required unless the court authorizes defense by affidavit in accordance with the provisions of R. 7:6-6. For offenses involving traffic accidents resulting in injury, a court appearance is also required.

ORDINANCE VIOLATIONS - Ordinance violations, including parking and non-parking traffic offenses and other ordinance violations may be listed on a separate Violations Bureau Schedule subject to the approval of the Assignment Judge.

APPEARANCE OF DEFENDANT IN CERTAIN CASES

The officer issuing the summons may, where in the opinion of the officer circumstances indicate the defendant should appear in court, check the complaint and summons "Court Appearance Required" in which event the case may not be processed in the Violations Bureau.

Approved by the Supreme Court:
May 6, 1991

Robert D. Lipscher
Administrative Director of the Courts
May 15, 1991